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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,437	07/25/2006	Bernard Poussin	128179	2546
25944	7590	12/08/2008	EXAMINER	
OLIFF & BERRIDGE, PLC			MAUST, TIMOTHY LEWIS	
P.O. BOX 320850				
ALEXANDRIA, VA 22320-4850			ART UNIT	PAPER NUMBER
			3751	
			MAIL DATE	DELIVERY MODE
			12/08/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/580,437	POUSSIN, BERNARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy L. Maust	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 July 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 24 May 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/25/06</u> .   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because the title "Apparatus for loading..." and the superfluous text "Figure for abstract..." should be deleted. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 1, the phrase "and similar ones" is indefinite as to the structure being defined.

Regarding claim 1, line 3, the limitation "the bottom" is insufficient because there is no antecedent basis for this limitation in the claim.

Regarding claim 1, lines 4 and 5, the phrase "located at same level" is indefinite because the location is not properly defined.

Regarding claim 1, line 5, the limitation "the bell shaped openings tubes" is insufficient because there is no antecedent basis for this limitation in the claim.

Regarding claim 1, line 5, the phrase "the outside" is indefinite as to the location that is being defined.

Regarding claim 1, line 6, the limitation "the axis" is insufficient because there is no antecedent basis for this limitation in the claim.

Regarding claim 3, line 1, the limitation "the distribution plates" is insufficient because there is no antecedent basis for this limitation in the claim.

Regarding claim 4, line 2, the limitation "brushes' bristles (30)" is insufficient because there is no antecedent basis for this limitation in the claim.

Regarding claim 5, lines 1 and 2, the limitations "the force of the blowing" and "the circular pipe" is insufficient because there is no antecedent basis for these limitations in the claim.

Regarding claim 6, the phrase "can be" makes the claim indefinite as to whether the gas jets are partially sealed and modulated or not.

Regarding claim 7, lines 1 and 2, the limitation "the vertical direction of the gas jets" and "the gas circuit" is insufficient because there is no antecedent basis for these limitations in the claim.

Regarding claim 8, line 3, the limitation "the feeding device (M)" is insufficient because there is no antecedent basis for this limitation in the claim.

Regarding claim 9, line 2, the limitation "the gas circuit" is insufficient because there is no antecedent basis for this limitation in the claim.

Regarding claim 10, lines 2 and 3, the limitation "the main body of the machine and that is limited to a given area of the periphery" is insufficient because there is no antecedent basis for this limitations in the claim.

Regarding claim 11, lines 1 and 2, the limitation "brushes' bristles (30)" and "the periphery" is insufficient because there is no antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5 and 7-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Loutaty et al. (4564328).

Regarding claims 1 and 7-10, the Loutaty reference discloses an Apparatus for loading vessels (see Figure 2) with solid particles including a supplying device (2) made up of a bell shaped enlarged tube (see bell shape defined by hood 20 in Figure 2), a propulsion device (19), made up of gas jets (22) located at same level and in front of the bell shaped opening and facing outwardly; and a distribution device made up of a number of rotating plates (5 and 5'), rotating around the axis of the apparatus each of which is under the bell shaped tube opening. The Loutaty reference doesn't disclose a number of bell shaped tubes co-axially arranged one within the other. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a number of bell shaped tubes co-axially arranged one within the other, since it has been held that mere duplication of the essential working parts of a

device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 5, see column 5, lines 49-55, which indicates the gas flow can be regulated.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art pertains to various particulate distribution devices, similar in structure to the Applicant's device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Mon. - Thur. 7:00-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4883. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy L Maust/  
Primary Examiner  
Art Unit 3751

12/4/08